

EXHIBIT G: ASSERTED COPYRIGHT INFRINGEMENTS

(As asserted in Affidavit of Sheila Lyons, Docket #75-11, p. 20 at ¶83)

Comparison of ACVSMR Petition with Lyons' Bylaws and 2003 AVMA Policies and Procedures Manual

¶	<u>ACVSMR 2008 Petition</u> AVMA 650-822 Lyons Affidavit Exhibit F (Docket #75-11, p. 58-232)	<u>Lyons' 2004 Bylaws</u> 003423-03436 Kluft Decl. Exhibit O (Docket #71-15, pp. 13-29)	<u>AVMA 2003 Manual</u> ACVSMR010728-011610 Kluft Decl. Ex. E (Docket #71-5, pp. 3-51)
¶1	“Name of RVSO American College of Veterinary Sports Medicine and Rehabilitation (ACVSMR).” (Petition, p. 6, AVMA656)	“Section I. This organization shall be known as the American College of Veterinary Sports Medicine and Rehabilitation.” (Bylaws at 003420)	n/a
¶2	1. To establish and maintain credentialing and certification standards for veterinary practitioners who excel in sports medicine and rehabilitation and who shall be titled "Diplomates." 2. To identify, develop, foster and maintain veterinary sports medicine and rehabilitation specialty credentialing and ethical standards. 3. To promote the improvement of scientific professional practice standards and the advancement of professional knowledge and competency by self assessment and examination, and to facilitate the continuing education of veterinary practitioners. 4. To identify Diplomates to the public, other professionals, professional organizations, government agencies and representatives, and other appropriate individuals and bodies. 5. To seek and foster cooperation and contacts with other organizations that have an interest in sports	“Section 1. To establish, promote and maintain the highest standards in the practice of veterinary sports medicine and rehabilitation through the establishment of educational guidelines, dedicated facilities; and clinical and research training in Veterinary sports medicine and rehabilitation at the undergraduate and post-doctoral levels Section 2. This organization shall promote the prevention of injury of animals in sport through research and education in the methods developed and shall advocate the highest standards in practice to protect the well-being of animals. Section 3. It shall establish standards for education and clinical experience for qualification of specialists in this field. Section 4. It shall recognize qualified specialists by certification.	n/a

	<p>medicine and/or rehabilitation, and to collaborate in matters of common interest, including the advancement of high standards and methods in the art and science of veterinary practice.</p> <p>6. To collaborate with universities and other educational institutions to encourage and promote the development of graduate veterinary science programs with particular emphasis on residency training for clinical practice.”</p> <p>(Petition, p. 6, AVMA 565)</p>	<p>Section 5. It shall serve the public, the veterinary profession, veterinary schools, clinical practices, and related associations by offering a list of recognized veterinary specialists who have been certified by the American College of Veterinary Sports Medicine and Rehabilitation</p> <p>Section 6. It shall promote collaboration and work in association with allied or other related professional specialty associations.</p> <p>(Bylaws at 00342)</p>	<p>“To be recognized by the AVMA, a veterinary organization devoted to a specialty must: 1. Demonstrate that improved veterinary medical services will be provided to the public.”</p> <p>(AVMA Manual at ACVSMR011616)</p>
¶3	<p>“Improvement in medical services provided to the public”</p> <p>(Petition, p. 7, AVMA 657)</p>	<p>[Counsel could not locate any comparable provision].</p>	<p>“a. The RVSO must examine only veterinarians who: i. Graduated from a college or school of veterinary medicine accredited by the AVMA; or possess a certificate issued by the Educational Commission for Foreign Veterinary Graduates (ECFVG); or are legally qualified to practice veterinary medicine in some state, province, territory, or possession of the United States, Canada, or other country.”</p> <p>(AVMA Manual at ACVSMR011616)</p>
¶4	<p>“Candidates must: Be a graduate from a college or school of veterinary medicine accredited by the AVMA; or possess a certificate issued by the Educational Commission for Foreign Veterinary Graduates (ECFVG) or by the PAVE program; or be legally qualified to practice veterinary medicine in some state, province, territory, or possession of the United States, Canada, or other country.”</p> <p>(Petition, p. 24, AVMA 673)</p>	<p>“Section 1. Membership in this organization will be open to all veterinarians who are graduates of a college or school of veterinary medicine accredited or approved by the AVMA; who possess an Educational Commission for Foreign Veterinary Graduate (ECFVG) certificate, or are qualified to practice veterinary medicine in some state, province, territory, or possession of the United States, Canada, or other country.”</p> <p>(Bylaws at 003421)</p>	<p>“A veterinary specialty organization seeking AVMA recognition should designate an organizing committee limited in number to those essential to conduct the business of the specialty and to achieve provisional recognition. Members of the organizing committee should be veterinarians recognized as exceptionally</p>
¶5	<p>“Establishment of an Organizing Committee. The ACVSMR organizing committee was selected using an AVMA recommended Delphi process. Eligibility criteria were that members of the organizing committee should be acknowledged as having expertise in some aspect of sports medicine and/or rehabilitation. According to the Bylaws of the</p>	<p>“Section 3. Founding Members of the ACVSMR will be designated as Founding Charter Diplomats. Founding Charter Diplomats are those veterinarians who have joined together to organize the American College of Veterinary Sports Medicine and Rehabilitation. These veterinarians shall meet</p>	

	<p>AVMA, committee members had to fulfill at least one of the following criteria:</p> <p>Be a professor of this specialty in a college or department of veterinary medicine.</p> <p>Be an author of important publications resulting from research or practice in this specialty</p> <p>Have at least 10 years experience in this specialty and, by teaching, research, or practice, have contributed substantially to the development of the specialty</p> <p>Have advanced training in the specialty and have demonstrated competency through teaching, research, or practice in the specialty to which most of the individual's professional time is devoted"</p> <p>(Petition, pp. 34-35, AVMA 683-684)</p>	<p>two or more of the following criteria:</p> <p>1. Be a professor or head of an academic department (or section) in the specialty.</p> <p>2. Have authored significant publications in the specialty.</p> <p>3. Have ten years experience in the specialty with ~ the specialty as well as significant contribution to the development of the specialty.</p> <p>4. Have advanced training in the specialty and have thoroughly demonstrated his or her competence in teaching, research or practice of the specialty."</p> <p>(Bylaws at 003421)</p>	<p>qualified and who meet one or more of the following criteria:</p> <p>a. Be a professor of the proposed specialty in a college or department of veterinary medicine.</p> <p>b. Be an author of important publications resulting from research or practice in the specialty.</p> <p>c. Have at least 10 years' experience in the specialty and, by teaching, research, or practice, have contributed substantially to the development of the specialty.</p> <p>d. Have advanced training in the specialty and have demonstrated competency through teaching, research, or practice in the specialty to which most of the individual's professional time is devoted.</p> <p>(AVMA Manual at ACVSMR011620-21)</p>
¶6	<p>"Charter Diplomates are those people who have had intellectual input into the petition, participated in the development of the petition, and have been selected by their peers."</p> <p>(p. 35, AVMA 684)</p>	<p>[Counsel could not locate any comparable provision].</p>	<p>"Charter diplomate status may be granted to a small number of individuals at the time a specialty college or board is established. This distinction should be reserved for only the most distinguished and experienced members of the field."</p> <p>(AVMA Manual at ACVSMR011628)</p>
¶7	<p>"1. Nominating/Membership Committee"</p> <p>(Petition, p. 36, AVMA 685)</p>	<p>"Section 1. The Nominations Committee shall make nomination for each Officer and Board of Directors position"</p> <p>(Bylaws at 00341)</p> <p>"Credentials Committee</p>	<p>n/a</p>
¶8	<p>"2. Credentials/Residency Committee</p> <p>Duties:</p>	<p>A. The Credentials Committee shall be composed of three members of the College,</p>	<p>n/a</p>

	<p>Procure copies of residency requirements from existing specialties</p> <p>Establish criteria for residencies in veterinary sports medicine and rehabilitation</p> <p>Oversee the establishment and development of new residency programs in canine and equine sports medicine and rehabilitation</p> <p>Provide information on the non-academic tract to potential applicants</p> <p>Review applications and credentials”</p> <p>(Petition, p. 36-37, AVMA 685-686)</p>	<p>appointed by the President on recommendation of the Board. Terms will be for a three year period. The President shall be an ex-officio member of this committee.</p> <p>B. Duties of this committee shall be to certify eligibility of applicants requesting examination by the College and to provide information and application forms for certification examination.”</p> <p>(Bylaws at 003432)</p>	
¶19	<p>“3. Curriculum/Education/Examination Committee . . .</p> <p>... Define the examinations for Diplomate status</p> <p>Determine subject matter to be covered</p> <p>Determine the distribution of questions within the subject areas</p> <p>Decide upon the type of examination, i.e., multiple choice, short answer</p> <p>Write the core knowledge test to be taken by all candidates</p> <p>Write the species-specific tests in canine/equine sports medicine and rehabilitation”</p> <p>(Petition, pp. 37-38, AVMA 686-687)</p>	<p>“ii) Examination Committee . . .</p> <p>C. The duties of this committee shall be:</p> <p>1. Preparation, administration and grading of all certifying examinations.”</p> <p>(Bylaws at 003433)</p>	n/a